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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/091,573

03/07/2002

Carl Joseph Kraenzel

042846-0312968

7969

52796

7590

12/27/2010

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EXAMINER

NGUYEN, TAN D

ART UNIT

PAPER NUMBER

3689

MAIL DATE

DELIVERY MODE

12/27/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/091,573	Applicant(s) KRAENZEL ET AL.	
	Examiner Tan Dean D. Nguyen	Art Unit 3689	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 October 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-6,8,12,14,15,17-19,21,25-27,29-31,33 and 37-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-6,8,12,14,15,17-19,21,25-27,29-31,33 and 37-44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. The amendment filed of October 7, 2010 has been entered.

Claim Status

2. Claims pending: 1-2, 4-6, 8, 12, 14-15, 17-19, 21, 25-27, 29-31, 33, 37-44.
 - 1) Claims canceled: 3, 7, 9-11, 13, 16, 20, 22-24, 32, 34-36.
 - 2) Claims amended/new: 26-27, 29-31, 33, 37-38.

The pending claims comprise 3 groups of claims:

- 1) Method: 1-2, 4-6, 8, 12, and 38-44,
- 2) System¹: 14-15, 17-19, 21 and 25,
- 3) A computer program product: 26-27, 29-31, 33 and 37.

As of 3/29/10, independent method claim 1 is as followed:

1. (Previously Presented) A computer-implemented method for identifying synergistic opportunities among users within a computer network by matching users with a common user-generated topic of interest, the computer-implemented method comprising:
 - a) receiving a topic of interest and associated information from a first user on a user interface on a first computer;
 - b) storing the received topic of interest and the associated information on a storage medium in communication with the first computer;

c) monitoring computing activities of a second user by a software monitoring module;

d) determining if the second user appears to be interested in the received topic based on the monitored activities of the second user and based on the associated information; and

e) notifying the second user of the existence of the received topic if it appears that the second user is interested in the received topic.

Note: for convenience, letters (a)-(d) are added to the beginning of each step.

Principles of Laws

3. The preamble is normally considered “being optional” and does not have much patentable weight since many times it is merely statements of purpose or intended use. See MPEP 2111.02 It’s the body of the claim that matters and the current body of the claims have no tie to any particular machine. *Corning Glass Works*, 868 F.2d at 1257, 9 USPQ2d at 1966. If the body of a claim fully and intrinsically sets forth all of the limitations of the claimed invention, and the preamble merely states, for example, the purpose or intended use of the invention, rather than any distinct definition of any of the claimed invention's limitations, then the preamble is not considered a limitation and is of no significance to claim construction. *Pitney Bowes, Inc. v. Hewlett-Packard Co.*, 182 F.3d 1298, 1305, 51 USPQ2d 1161, 1165 (Fed. Cir. 1999). See also *Rowe v. Dror*, 112 F.3d 473, 478, 42 USPQ2d 1550, 1553 (Fed. Cir. 1997) (“where a patentee defines a structurally complete invention in the claim body and uses the preamble only to state a purpose or intended use for the invention, the preamble is not a claim limitation”); *Kropa*

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v. Robie, 187 F.2d at 152, 88 USPQ2d at 480-81 (preamble is not a limitation where claim is directed to a product and the preamble merely recites a property inherent in an old product defined by the remainder of the claim); *STX LLC. v. Brine*, 211 F.3d 588, 591, 54 USPQ2d 1347, 1350 (Fed. Cir. 2000) (holding that the preamble phrase "which provides improved playing and handling characteristics" in a claim drawn to a head for a lacrosse stick was not a claim limitation).

4. Claims 14-15, 17-19, 21 and 25 are apparatus claim. In examination of the apparatus claim, the claims must be structurally distinguishable from the prior art. While features of an apparatus claim may be recited either structurally or functionally, claims directed to an apparatus must be distinguished from the prior art in terms of structure rather than function. See (1) MPEP 2114. (2) *In re Schreiber*, 128 F.3d 1473, 1477-78, 44 USPQ2d 1429, 1431-32 (Fed. Cir. 1997). Apparatus claims cover what a device is, not what a device does, i.e. "device which acts or performs ...". (3) *Hewlett-Packard Co. vs. Bausch & Lomb Inc.* (Fed. Circ. 1990). Manner of operating the device or elements of the device, i.e. recitation with respect to the manner in which a claimed apparatus is intended to be employed/used, does not differentiate apparatus from the prior art apparatus. (4) *Ex parte Masham*, 2 USPQ2d 1647 (BPAI, 1987).

Note that in apparatus claim, descriptions to positive claim language, such as produced when one uses the term "configured" or, even more positively, 35 U.S.C. 112, sixth paragraph language. Using any other claim format such as using method steps, should not be given the same interpretation of the machine claim since to do so would be to dilute the provisions of the statute.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. **Claims 1-2, 4-6, 8, 12, and 38-42 (method), 14-15, 17-19, 21 and 25 (system), and 26-27, 29-31, 33 and 37 (computer program product) are rejected under 35**

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U.S.C. 103(a) as being unpatentable over (1) STEVENS (US 2004/0014457) in view of (2) KUMBHYR et al (US 2003/0101214).

As for independent claim 1, 14, and 26, STEVENS fairly teaches a method, system, and article for identifying synergistic opportunities among users within a computer network by matching users with a common user-generated topic of interest, the computer-implemented method comprising:

a) receiving a topic (information, subject, interest, etc.) of interest and associated information (personal profiles) from a first user on a user interface on a first computer;

{see Figs. 3, 1B, pars. [0032, 0033, 0039]}

b) storing the received topic of interest declared topics and the associated information on a storage medium in communication with the first computer;

{see Figs. 1B, 3, pars. [0032]}

c) identifying other (second) user/s of similar interest or appear to be interested in the received topic/interest of the first user,

{see Figs. 3, 1B, pars. [0033-0034, 0037-0040]}

d) determining if the second user appears to be interested in the received topic based on the monitored activities of the second user and based on the associated information; and

{see Figs. 3, pars. [0039, 0039, 0063 “...if so, how the users want matching to users to contact them...information for the matching user(s) to the requesting user. The requesting user’s contact information may also be transmitted to the matching users **if the requesting user so desires...**”, pars. [0065-0066]}

e) notifying the second user of the existence of the received topic if it appears that the second user is interested in the received topic.

{see Figs. 3, 1B, pars. [0043 "... *determine like interest... **users are then notified concerning matches and maybe provided with the matching user's information...***", 0041-0042]}

Alternatively, the applying of the customer profiling and identifying of desirable objects to other business issues or strategies would have been obvious as mere using the same system for other similar business issues.

STEVENS fairly teaches the claimed invention except for the identifying other users (2nd user) is carried out by step (c) of "monitoring computing activities of a second user by a software monitoring module".

In a similar method/system for monitoring and identifying users of similar interest, **KUMBHYR et al** is cited to teach the step (c) of **monitoring computing activities** of a second user (group of users) by a software monitoring module and (d) **to determine** if that group of users have an interest in a certain topic or event in a **dynamic process** for potential business activities or transactions.

{see Figs. 1, 2, pars. [0004, 0016-0019, 0021, 0022-0024]

[0021"...*a system administrator may explicitly **designate that a given group has an interest in certain topic or events.** As shown in the group template of Fig. 4, the Boston **user group 101 may have an interest in the Boston Marathon event 102.** This interest may be determined by **either static or dynamic process...***"]

[0022 “a **dynamic determination** of interests may include discovery processes, surveys, **overall web-access patterns**, and **linking of small patterns to form larger patterns...may utilize Web page access pattern information...browsing behavior over time reflecting....Web pages hits....”]**

Therefore, it would have been obvious to a person having ordinary skill in the art (herein after as “PHOSITA”) at the time of the invention was made to modify the teachings of “identifying a second user of similar interest” of STEVENS by monitoring **computing activities** of a second user (group of users) by a software monitoring module to identify that group of users have an interest in a certain topic or event as taught by KUMBHYR et al using a dynamic process which is more advantageous and effective than static process of STEVENS {see Figs. 1, 2, pars. [0016-0019, 0021-0024]}.

As for dep. claims 2, 4-6 (part of 1 above), 15, 17-19 (part of 14 above), and 27, 29-31 (part of 26 above), which respectively have similar limitation, and deal with object monitoring parameters, i.e. email information/data (messages), instant messages, search request messages, etc., they are taught in pars. [0021 “...Web page **requests...**”, [0022 “...demand for data matching certain **keywords, data related to other data, or data accessed on certain dates or from a certain source/location...**”, ... Web pages hits..”], [0024], and especially [0019]}. Alternatively, the selection of other information/data source from users such as email or instant messages, etc. would

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have been obvious as mere selection of other well known user's computer activities information sources.

As for dep. claim 8 (part of 1 above), 21 (part of 14 above), and 33 (part of 26 above), which respectively have similar limitation which deal with sending the interested information to other (2nd) user, these are taught in STEVENS pars. [0039, 0063].

As for dep. claim 12 (part of 1 above), 25 (part of 14 above), and 37 (part of 26 above), which respectively have similar limitation which deal with adding the adding the second user to the distribution list (e-mail address) or team, these are taught in STEVENS pars. [0039, 0063] or KUMBHYR et al pars. [0019-0024].

As for dep. claim 38 (part of 1 above), which deal with object monitoring parameters, i.e. information type or descriptions, these are taught in STEVENS pars. [0032, 0035, 0037-0040, 0061, 0063-0065] and KUMBHYR et al pars. [0019, 0024-0026]. Alternatively, the selection of any other similar group communication exchangers such email addresses or workspace, would have been obvious for communication exchanges in view of the teachings of STEVENS and KUMBHYR et al as cited above.

As for dep. claims 40 and 42 (part of 1 above), which deal with various parties monitoring and communication parameters, these are taught in STEVENS in pars. 0037-0039, 0043-0045, 0049-0050, 0061-0065 and KUMBHYR et al pars. [0019-0023].

As for dep. claim 41 (part of 1 above), which deal with the location of the monitoring system, this is inherently included in the teachings of KUMBHYR et al as shown on Figs. 1, 2, and pars. [0013-0015], [0019-0021]. Note that the limitation "or" in

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(, or on a server....), which indicates the “alternative” feature or option and not requiring all of the listed features.

9. Dependent claims 43-44 (part of 1 above) are rejected under 35 U.S.C. 103(a) as being unpatentable over STEVENS /KUMBHYR et al as applied to claims 1-2, 4-6, 8, 12, 38, 40-42 above, and further in view of (3) CAMPBELL et al.

In a business system for counterparty communications and business transactions, **CAMPBELL et al** is cited to teach well known steps for submitting request for proposal (RFP) or inquiry for transaction activities with another parties or entities, wherein the inquiry comprises an expiration date for the received topic of interest; and the further comprising the step of removing the received topic of interest and the associated information (inquiry) from the storage medium in communication with the first computer when a current date reaches the expiration date and archiving the received topic of interest and the associated information (inquiry) on the storage medium in communication with the first computer when a current date reaches the expiration date for effectively monitoring and keeping track of inquiries purpose.

{see Figs. 2, Fig. 5 “551 ENQUIRY/RFP identifier “59”, “NEW ENQUIRY FORM –”, ELEMENT 561 “STATUS”...”, Figs. 6-8B, 10, pars. [0084, 0070, 0082-0083, 0085, 0114-0116].

Therefore, it would have been obvious to a person having ordinary skill in the art (herein after as “PHOSITA”) at the time of the invention was made to modify the teachings of STEVENS/KUMBHYR et al by including well known steps for submitting

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request for proposal (RFP) or inquiry for transaction activities with another parties or entities, wherein the inquiry comprises an expiration date for the received topic of interest; and the further comprising the step of removing the received topic of interest and the associated information (inquiry) from the storage medium in communication with the first computer when a current date reaches the expiration date and archiving the received topic of interest and the associated information (inquiry) on the storage medium in communication with the first computer when a current date reaches the expiration date as taught by CAMPBELL et al for effectively monitoring and keeping track of inquiries purpose.

10. Claims 1-2, 4-6, 8, 12, and 38-42 (method), 14-15, 17-19, 21 and 25 (system), and 26-27, 29-31, 33 and 37 (computer program product) are rejected (2nd time) under 35 U.S.C. 103(a) as being unpatentable over (1) PAYTON (US 6,681,247) in view of (2) STEVENS.

As for independent claim 1, 14, and 26, PAYTON fairly teaches a method, system, and article for identifying synergistic opportunities among users within a computer network by matching users with a common user-generated topic of interest, the computer-implemented method comprising:

a) receiving a topic (information, subject, interest, etc.) of interest and associated information (personal profiles) from a first user on a user interface on a first computer;

{see Figs. 1, 2, col. 1, lines 47-65, col. 3, lines 28-67}

b) storing the received topic of interest declared topics and the associated information on a storage medium in communication with the first computer;

{see Figs. 1, 2, col. 4, lines 1-55}}

c) identifying other (second) user/s of similar interest by accessing the same web page on a rare topic (computing activities) or appear to be interested in the received topic/interest of the first user,

{see Figs. 1, 2, 4, col. 4, lines 10-57, col. 6, lines 1-15, col. 7, lines 15-67}}

d) determining the similarity of the second user in the received topic based on the monitored activities of the second user and based on the associated information; and

{see col. 1, lines 35-45, col. 2, lines 1-40, col. 5, lines 30-65, col. 7, lines 15-67}

e) notifying the second user of the existence of the received topic if it appears that the second user is interested in the received topic.

{see col. 7, lines 50-67, Figs. 1, 2, 7}

Alternatively, the applying of the customer profiling and identifying of desirable objects to other business issues or strategies would have been obvious as mere using the same system for other similar business issues.

PAYTON fairly teaches the claimed invention except for explicitly disclosing the step of determining if the second user appears to be interested in the received topic based on the monitored activities of the second user and based on the associated information; and

The teachings of STEVENS is cited above. Therefore, it would have been obvious to a person having ordinary skill in the art (herein after as "PHOSITA") at the time of the invention was made to modify the teachings of PAYTON by including the step of determining if the second user appears to be interested in the received topic

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based on the monitored activities of the second user and based on the associated information as taught by STEVENS in order to share interests or get to know the other users better as shown on pars. [0033, 0039].

As for dep. claims 2, 4-6 (part of 1 above), 15, 17-19 (part of 14 above), and 27, 29-31 (part of 26 above), which respectively have similar limitation, and deal with object monitoring parameters, i.e. email information/data (messages), instant messages, search request messages, etc., they are taught PAYTON col. 1, lines 25-67, col. 7, lines 15-67, and STEVENS pars. [0032-0033], [0037-0039].

As for dep. claim 8 (part of 1 above), 21 (part of 14 above), and 33 (part of 26 above), which respectively have similar limitation which deal with sending the interested information to other (2nd) user, these are taught in PAYTON Figs. 1-2, STEVENS pars. [0039, 0063].

As for dep. claim 12 (part of 1 above), 25 (part of 14 above), and 37 (part of 26 above), which respectively have similar limitation which deal with adding the adding the second user to the distribution list (e-mail address) or team, these are taught in STEVENS pars. [0039, 0063] or PAYTON Figs. 1, 2, col. 7, lines 15-67.

As for dep. claim 38 (part of 1 above), which deal with object monitoring parameters, i.e. information type or descriptions, these are taught in PAYTON col. 2, lines 5-67, col. 4, lines 5-57, and STEVENS pars. [0032, 0035, 0037-0040, 0061, 0063-0065]. Alternatively, the selection of any other similar group communication exchangers

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such email addresses or workspace, would have been obvious for communication exchanges in view of the teachings of STEVENS and KUMBHYR et al as cited above.

As for dep. claims 40 and 42 (part of 1 above), which deal with various parties monitoring and communication parameters, these are taught in STEVENS in pars. 0037-0039, 0043-0045, 0049-0050, 0061-0065 and PAYTON Figs. 1-2, col. 7, 12 and 14.

As for dep. claim 41 (part of 1 above), which deal with the location of the monitoring system, this is inherently included in the teachings of PAYTON Figs. 1, 2, 7, Note that the limitation “or” in (, or on a server....), which indicates the “alternative” feature or option and not requiring all of the listed features.

11. Dependent claims 43-44 (part of 1 above) are rejected under 35 U.S.C. 103(a) as being unpatentable over PAYTON /STEVENS as applied to claims 1-2, 4-6, 8, 12, 38, 40-42 above, and further in view of (3) CAMPBELL et al.

In a business system for counterparty communications and business transactions, **CAMPBELL et al** is cited to teach well known steps for submitting request for proposal (RFP) or inquiry for transaction activities with another parties or entities, wherein the inquiry comprises an expiration date for the received topic of interest; and the further comprising the step of removing the received topic of interest and the associated information (inquiry) from the storage medium in communication with the first computer when a current date reaches the expiration date and archiving the received topic of interest and the associated information (inquiry) on the storage medium in

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communication with the first computer when a current date reaches the expiration date for effectively monitoring and keeping track of inquiries purpose.

{see Figs. 2, Fig. 5 “551 ENQUIRY/RFP identifier “59”, “NEW ENQUIRY FORM – “, ELEMENT 561 “STATUS”...”, Figs. 6-8B, 10, pars. [0084, 0070, 0082-0083, 0085, 0114-0116].

Therefore, it would have been obvious to a person having ordinary skill in the art (herein after as “PHOSITA”) at the time of the invention was made to modify the teachings of PAYTON /STEVENS by including well known steps for submitting request for proposal (RFP) or inquiry for transaction activities with another parties or entities, wherein the inquiry comprises an expiration date for the received topic of interest; and the further comprising the step of removing the received topic of interest and the associated information (inquiry) from the storage medium in communication with the first computer when a current date reaches the expiration date and archiving the received topic of interest and the associated information (inquiry) on the storage medium in communication with the first computer when a current date reaches the expiration date as taught by CAMPBELL et al for effectively monitoring and keeping track of inquiries purpose.

Response to Arguments

12. Applicant's arguments on October 7, 2010 have been fully considered but they are not persuasive.

13. 1) Applicant's comments that STEVENS /KUMBHYR et al fails to teach the "monitoring and determining" limitations in claims 1, 14 and 26, are not persuasive in view of the following in KUMBHYR et al:

In a similar method/system for monitoring and identifying users of similar interest, **KUMBHYR et al** is cited to teach the step (c) of **monitoring computing activities** of a second user (group of users) by a software monitoring module and (d) **to determine** if that group of users have an interest in a certain topic or event in a **dynamic process** for potential business activities or transactions.

{see Figs. 1, 2, pars. [0004, 0016-0019, 0021, 0022-0024]

[0021]"...a system administrator may explicitly **designate that a given group has an interest in certain topic or events**. As shown in the group template of Fig. 4, the Boston **user group 101** may have an interest in the **Boston Marathon event 102**. This interest may be determined by **either static or dynamic process...**"]

[0022 "a **dynamic determination** of interests may include discovery processes, surveys, **overall web-access patters**, and **linking of small patterns to form larger patterns...may utilize Web page access pattern information...browsing behavior over time reflecting....Web pages hits....**"]

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2) Applicant's comments that claims 43-44 are not prima facie obvious because STEVENS /KUMBHYR et al fails to teach the "monitoring and determining" limitations in claims 1, 14 and 26, are not persuasive in view of the following in KUMBHYR et al's teaching cited above.

14. 4) Applicant's comments that PAYTON /STEVENS et al fails to teach the "monitoring and determining" limitations in claims 1, 14 and 26, are not persuasive in view of the following in STEVENS and PAYTON:

PAYTON fairly teaches a method, system, and article for identifying synergistic opportunities among users within a computer network by matching users with a common user-generated topic of interest, the computer-implemented method comprising:

a) receiving a topic (information, subject, interest, etc.) of interest and associated information (personal profiles) from a first user on a user interface on a first computer;

{see Figs. 1, 2, col. 1, lines 47-65, col. 3, lines 28-67}

b) storing the received topic of interest declared topics and the associated information on a storage medium in communication with the first computer;

{see Figs. 1, 2, col. 4, lines 1-55}}

c) identifying other (second) user/s of similar interest by accessing the same web page on a rare topic (computing activities) or appear to be interested in the received topic/interest of the first user,

{see Figs. 1, 2, 4, col. 4, lines 10-57, col. 6, lines 1-15, col. 7, lines 15-67}}

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d) determining the similarity of the second user in the received topic based on the monitored activities of the second user and based on the associated information; and

{see col. 1, lines 35-45, col. 2, lines 1-40, col. 5, lines 30-65, col. 7, lines 15-67}

e) notifying the second user of the existence of the received topic if it appears that the second user is interested in the received topic.

{see col. 7, lines 50-67, Figs. 1, 2, 7}

Alternatively, the applying of the customer profiling and identifying of desirable objects to other business issues or strategies would have been obvious as mere using the same system for other similar business issues.

And in STEVENS:

c) identifying other (second) user/s of similar interest or appear to be interested in the received topic/interest of the first user,

{see Figs. 3, 1B, pars. [0033-0034, 0037-0040]}

d) determining if the second user appears to be interested in the received topic based on the monitored activities of the second user and based on the associated information; and

{see Figs. 3, pars. [0039, 0039, 0063 "...if so, how the users want matching to users to contact them...information for the matching user(s) to the requesting user. The requesting user's contact information may also be transmitted to the matching users **if the requesting user so desires...**", pars. [0065-0066]}

e) notifying the second user of the existence of the received topic if it appears that the second user is interested in the received topic.

{see Figs. 3, 1B, pars. [0043 "... *determine like interest... **users are then notified** concerning matches and maybe provided with the matching user's information...*", 0041-0042]}

Alternatively, the applying of the customer profiling and identifying of desirable objects to other business issues or strategies would have been obvious as mere using the same system for other similar business issues.

Conclusion

15. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

No claims are allowed.

Art Unit: 3689

1. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through private PAIR only. For more information about the PAIR system, see <http://pair-direct@uspto.gov>. Should you have any questions on access to the private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free).

1. For more information about the PAIR system, see <http://portal.uspto.gov/external/portal/pair>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at **866.217.9197** (toll-free).

2. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to **571-273-8300**.

Hand delivered responses should be brought to the

US Patent and Trademark Office Customer Service Window:

Randolph Building

401 Dulany Street

Alexandria, VA 22314.

3. In receiving an Office Action, it becomes apparent that certain documents are missing, e. g. copies of references, Forms PTO 1449, PTO-892, etc., requests for copies should be directed to Tech Center 3600 Customer Service at (571) 272-3600, or e-mail CustomerService3600@uspto.gov.

4. Any inquiry concerning the merits of the examination of the application should be directed to Dean Tan Nguyen at telephone number (571) 272-6806. My work schedule is normally Monday through Friday from 6:30 am - 4:00 pm. I am scheduled to be off every other Friday. Should I be unavailable during my normal working hours, my supervisor Janice Mooneyham can be reached at (571) 272-6805. The main FAX phone numbers for formal communications concerning this application are (571) 273-8300. My personal Fax is (571) 273-6806. Informal communications may be made, following a telephone call to the examiner, by an informal FAX number to be given.

/Tan Dean D. Nguyen/

Primary Examiner, Art Unit 3689